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In re Application of
Darrell Anderson et al.
Application No. 10/634,501
Filed: August 5, 2003
Attorney Docket No.: **Google-54 (GP-064-06-
US)**

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OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition filed May 20, 2008 under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

The petition is **GRANTED**.

This application was held abandoned on November 30, 2006 and a Notice of Abandonment was mailed May 7, 2008 for the applicant's failure to file a proper reply to the non-Final Office Action mailed February 10, 2006.

Petitioner asserts that a response was timely filed to the February 10, 2006 and provides copies of the response filed August 14, 2006 (August 10, 2006 certificate of mail) with a three month extension of time as well as the postcard receipt as proof of filing.

A review of the record confirms that the response and three month extension of time were in fact filed August 14, 2006 with an August 10, 2006 certificate of mail, however as also noted by the petitioner, on November 30, 2006 correspondence was mailed by the USPTO which indicated that the reply filed on August 10, 2006 (received on August 14, 2006) was not fully responsive. The notice set a thirty day period for response.

The application actually became abandoned for failure to file a response to the October 30, 2006 communication from the USPTO.

While no response was filed to the October 30, 2006 within 30 days or November 30, 2006, after the fact in a telephonic interview held February 9, 2007, an agreement was reached between the Examiner and the parties that the October 30, 2006 was to be withdrawn. The Interview Summary is of record but the Office Action was not withdrawn prior to the abandonment of the application. However, in view of the Examiner having agreed to withdraw the October 30, 2006 office action, the abandonment is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 2164 for further examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

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